

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Nagai et al.  
Appl. No. : 10/588,428  
Filing Date : August 4, 2006  
For : FUNCTIONAL BEVERAGE AND  
COMPOSITION  
Examiner : Perreira, M.  
Group Art Unit : 1618  
Conf. No. : 9228

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**AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION**

Commissioner for Patents  
Box AF  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the final Office Action mailed **August 27, 2009**, please consider the following amendments and remarks:

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 3 of this paper.